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SUBJECT: NEW PANEL TO INVESTIGATE THAI DRUG WAR KILLINGS

REF: 06 BANGKOK 0235 (SOMCHAI VERDICT)

SUMMARY

11. (SBU) In the latest in a series of moves to investigate abuses by the government of former Prime Minister Thaksin Shinawatra, the Ministry of Justice in August established an independent commission to probe the extra-judicial killing of an estimated 2,500 people during the Thaksin government's 2003-2005 war on drugs. The commission will examine the cause and impact of Thaksin's anti-drug policies and make recommendations for providing restitution to its victims rather than investigate specific killings or prosecuting human rights violators. Expectations for the success of this and other ongoing investigations into extra-judicial killings during the Thaksin era are low, however, and it is unclear whether the commission's efforts will help bring alleged human rights violators to justice. End Summary.

NEW INVESTIGATIONS ANNOUNCED

12. (SBU) On August 30, the Thai Ministry of Justice announced the formation of an independent panel to investigate the extra-judicial killings of thousands of people during the Thaksin government's 2003-2005 "war on drugs." The government has tasked the 13-member panel -- formally called the "Independent Commission for the Study and Analysis of the Formation and Implementation of the Drug Suppression Policy" (abbreviated ICID) -- with providing a fact-based analysis of the development and execution of the aggressive drug policies of the previous government and specifying remedial measures for its victims. The panel will be headed by Khanit Na Nakhon, a former Attorney-General, and will include high-level government officials, law enforcement officers, and respected academics.

13. (SBU) The move is the latest in a series of proactive steps the interim government of Prime Minister Surayud Chulanont has taken following the September 2006 coup to investigate extra-judicial killings committed during the tenure of former Prime Minister Thaksin Shinawatra. Since December 2006, the Justice Ministry's Department of Special Investigations (DSI) has conducted ongoing investigations into 11 unsolved deaths attributed to the drug war. In

January, the National Counter Corruption Commission tasked a sub-committee with investigating the presumed 2004 extra-judicial killing of renowned human rights attorney Somchai Neelaphaijit. To date, no individuals have been charged for any of these killings (reftel describes the trial of 5 police officers on lesser charges of coercion and gang robbery in the controversial Neelaphaijit case).

"NOT A TRUTH COMMISSION"

14. (SBU) At an August 30 meeting between Poloff and Charnchao Chaianukij, a member of the ICID and a Deputy Permanent Secretary at the Justice Ministry, Charnchao told us the

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primary purpose of the committee would be to examine the original objective of Thaksin's drug suppression policies and how those policies resulted in human rights abuses. The panel will gather evidence from various government agencies, interview victims, and review documents to "specify corrective and remedial measures" for victims of the drug war.

15. (SBU) Charnchao was careful to note that the ICID was "not a truth commission", and that the panel would not seek to identify the perpetrators of individual killings, nor would it seek to bring charges against alleged human rights violators. He emphasized that the commission would approach the drug war killings in an "academic manner," and that the decision on whether to prosecute any alleged violators identified by the panel would be left to the government and its investigative bodies, such as the DSI.

16. (SBU) Charnchao explained that the ICID would hire

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investigators to interview victims and would invite academics to sit on ICID fact-finding hearings that would be open to the general public. Charnchao insisted the commission would conclude its report within 10-12 months (an aggressive timetable given the magnitude of the alleged violations). Charnchao agreed with widely reported statistics estimating that 2,500 people were killed extra-judicially by the security forces during the drug war. Charnchao also acknowledged that the commission's work would almost certainly extend into the tenure of the next government -- which is expected to take office following a planned December 23 general election -- and admitted that any benefits that emerge from his panel's work would hinge on the policies of this new government.

EXPECTATIONS LOW

17. (SBU) Expectations for bringing perpetrators of drug war killings to justice have remained low despite the interim government's latest investigative efforts. While editorials in the local media viewed the ICID's formation positively, several commentators expressed skepticism that human rights violators would be brought to justice given the amount of time that has elapsed since the killings. Even Justice Ministry officials, such as prominent forensic expert Pornthip Rojanasunand, publicly admitted that the most beneficial outcome of the ICID would likely only consist of recommendations for compensating victims who were injured or lost family members during the war on drugs.

COMMENT

18. (SBU) While progress in government investigations of extra-judicial killings and disappearances from the Thaksin era has been depressingly slow, the interim government's efforts to begin the process of examining past human rights violations are reassuring. It remains to be seen, however,

how effective or independent this new panel will be, or how much support the ICID and other government investigative agencies will receive from the next government. We will continue to encourage government officials to ensure that extra-judicial killings and other human rights violations are properly investigated and their perpetrators brought to justice.

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